

STATE OF SOUTH CAROLINA

(Caption of Case)
In the Matter of

Application of HTC Communications, LLC for
Designation as an Eligible Telecommunications
Carrier Pursuant to Section 241 (e) (2) of the
Communications Act of 1934

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2007 - 402 - C

217255

JUN 15 2009

REC'D TV

(Please type or print)

Submitted by: Jamie G. Ponder

SC Bar Number: _____

Address: 3480 Hwy 701 North

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PO Box 1820

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Conway, SC 29528

Other: _____

Email: jamie.ponder@htcinc.net

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

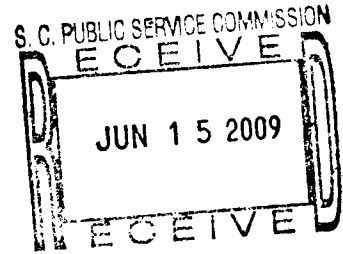
☒ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigator	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input checked="" type="checkbox"/> Report		



On The Line For You Every Day

June 11, 2009



The Honorable Charles L.A. Terreni
Chief Clerk and Administrator
Public Service Commission of SC
Post Office Drawer 11649
Columbia, SC 29211

RE: ETC Annual Report of HTC Communications, LLC

Dear Mr. Terreni:

HTC Communications, LLC with this mailing is providing the S.C. Public Service Commission with a Motion of Confidentiality, ETC Annual Report, and its Network Improvement Plan. Enclosed is the original and one (1) copy of each document. Please accept these documents for filing and acknowledge your receipt of same by returning a copy of this letter to me bearing your file stamp.

Please be advised that the material included as Exhibit A of the Annual Report and the entire Network Improvement Plan have been marked as "Confidential Information" and are submitted under seal in separate envelopes marked "Confidential." HTC Communications requests that the material designated as "Confidential Information" be exempted from public inspection.

The Office of Regulatory Staff is being provided a copy of this filing.

With kind regards,

A handwritten signature in cursive script, reading 'Jamie Grey Ponder'.

Jamie Grey Ponder
Industry Affairs Manager

Enclosures

Cc: Honorable C. Dukes Scott
Office of Regulatory Staff

HORRY TELEPHONE COOPERATIVE, INC. / HTC COMMUNICATIONS, INC.

Post Office Box 1820 / Conway, South Carolina 29528-1820 / (843) 365-2151 / FAX: (843) 365-1111 / INTERNET: www.htcinc.net

**BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2007-402-C

In the Matter of

**Application of HTC
Communications, LLC
For Designation as an Eligible
Telecommunications Carrier Pursuant
to Section 241(e)(2) of the
Communications Act of 1934**

**MOTION FOR CONFIDENTIAL
TREATMENT**

HTC Communications, LLC ("HTCC", the "Applicant") hereby submits this Motion pursuant to S.C. Code Ann. § 30-4-40(a)(1) (Supp. 2006) to request confidential treatment of the Network Improvement Plan filed in support of its Annual Report of Eligible Telecommunications Carrier ("ETC") in the State of South Carolina ("Application"). Specifically HTCC requests an order by this Commission, (1) declaring the Network Improvement Plan, including all exhibits attached thereto to be confidential and proprietary; (2) affording the Network Improvement Plan confidential treatment; and (3) protecting the Network Improvement Plan from public disclosure. In support hereof, the following is respectfully shown:

1. The name and address and of the Applicant are as follows:

HTC Communications, LLC
3480 Highway 701 North
P.O. Box 1820
Conway, SC 29528-1820

2. Correspondence or inquiries regarding this Motion should be directed to:

Jamie G. Ponder
HTC Communications, LLC
3480 Hwy 701 North
PO Box 1820
Conway, SC 29528
Telephone: 843.369.8640

3. HTCC's Network Improvement Plan includes maps depicting projected improvement and expansion in signal coverage with federal high-cost universal service support. Those maps depict HTCC's current network coverage, specific locations of cell sites, specific locations of planned cell sites, and an estimate of additional voice coverage that will result from network expansion. The Network Improvement Plan also includes charts that show capital expenditures and time lines related to the construction of proposed ETC cell sites.
4. Pursuant to the South Carolina Freedom of Information Act ("SCFOIA"), this Commission is permitted to withhold from public inspection certain categories of information, including trade secrets. "Trade secret" is defined, in pertinent part, as "unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information." S.C. Code Ann. § 30-4-40(a)(1).
5. Both HTCC's projected network improvements and its cell site and network coverage maps contain proprietary business and technical information regarding HTCC's telecommunications network in South Carolina. The public disclosure of such information would cause serious competitive harm to the company and would reveal confidential details pertaining to HTCC's network infrastructure, customer base, and the company's competitive position in South Carolina. Because this information goes to the heart of the company's business planning and competitive strategy, its public disclosure

would be both economically damaging to HTCC and economically advantageous to its competitors.

6. HTCC treats the information contained in its Network Improvement Plan as confidential and highly proprietary. The detailed budgeting, cell site location, and signal coverage information in these materials is known only to authorized HTCC employees and is subject to the company's internal data security policies. The company does not publicly disclose such information. The cell site and coverage maps enclosed as Exhibits to the Network Improvement Plan provide substantially more detailed information than is publicly available on HTCC's web site.
7. The materials in question are "generally recognized as confidential" as required under the SCFOIA. Capital/operating expenditure data and cell site location/propagation maps submitted in support of Network Improvement Plans by wireless ETCs or ETC applicants have routinely been accorded confidential treatment and withheld from public inspection by the Federal Communications Commission and regulatory agencies in other states, including this Commission.¹

¹ See, e.g., *Federal-State Joint Board on Universal Service, Sprint Corp.*, 19 FCC Rcd 22663, 22667, n.28 (2004) (granting confidential treatment to "lists of new and upgraded cell sites, with accompanying cost data" submitted in support of wireless carrier's ETC application); Eligibility, Certification, and Reporting Requirements for Eligible Telecommunications Carriers [199 IAC 39], Docket No. RMU-06-1, Order Commencing Rulemaking (Iowa Util. Bd., Feb. 24, 2006) (acknowledging that "some of the information contained in the annual reports may be subject to confidential treatment, specifically, information relating to network development plans"); USCOC of Greater Missouri, LLC, Case No. TO-2005-0384, Order Establishing Protective Order (Mo. PSC, Aug. 12, 2005) (establishing protective order applicable to financial data and cellular coverage maps in support of build-out plan); N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless, Application No. C-3324, Protective Order (Neb. PSC, March 22, 2005) (establishing protective order subsequently applied to five-year ETC Network Improvement Plan).

CONCLUSION

For the above stated reasons, HTCC requests that the Commission enter an order finding that HTCC's Network Improvement Plan is proprietary and confidential, and the Commission will treat the plan as such to avoid disclosure of the plan and its contents to HTCC's competitors and the public. This confidential treatment is necessary to protect the company's proprietary trade secret information and competitive position in South Carolina.

HTCC hereby submits its Network Improvement Plan and requests that the Commission preserve the confidentiality of that document, and its exhibits, while this motion is under consideration. Furthermore, HTCC hereby requests that this Network Improvement Plan, and its exhibits, be returned to HTCC in the event that this motion is denied.

Respectfully submitted,

HTC Communications, LLC

By: _____

O'Neal Miller
3480 Hwy 701 North
PO Box 1820
Conway, SC 29528
Telephone: 843.369.8316
Fax: 843.365.1999

**BEFORE THE
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DOCKET NO. 2007-402-C

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Communications, LLC)	
For Designation as an Eligible)	
Telecommunications Carrier Pursuant)	MOTION FOR CONFIDENTIAL
to Section 241(e)(2) of the)	TREATMENT
Communications Act of 1934)	

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Respectfully submitted,

HTC Communications, LLC

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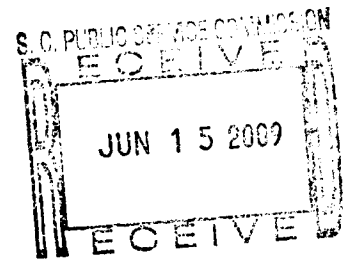
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Communications Act of 1934**

ETC ANNUAL REPORT



Pursuant to regulation 103.690 of the South Carolina Public Service Commission ("Commission"), HTC Communications, LLC ("HTCC") hereby submits this Eligible Telecommunications Carrier ("ETC") annual report.

I. BACKGROUND

The Commission, by Order 2008-273, dated April 17, 2008, designated HTCC as an ETC pursuant to 47 U.S.C. § 214(e)(2). By letter dated May 1, 2008, the Commission informed the Federal Communications Commission ("FCC") and the Universal Service Administration Company ("USAC") of this designation. The Commission's initial certification to the FCC and USAC was effective April 17, 2008, the date of its Order designating HTCC as an ETC. The Commission further re-certified HTC Communications as an ETC on September 26, 2008 through the end of the 2009 calendar year. Pursuant to sections 54.313 and 54.314 of the FCC's rules, which requires states to establish an annual certification process for rural and non-rural carriers receiving federal high cost support, HTCC submits this annual report for the purpose of extending its ETC designation and the Commission's certification of HTCC's entitlement to receive federal high-cost support for the 2010 calendar year.

II. ANNUAL REPORTING REQUIREMENTS

Pursuant to the Commission's regulation 103.690, a common carrier designated under 47 U.S.C. § 214(e)(2) as an ETC after January 1, 2007 shall provide the following information:

A. A Progress Report On HTCC's Two Year Network Improvement Plan

HTCC's designation as an ETC was effective on April 17, 2008, and by the end of 2008 HTCC had not received any universal service support funds. Even though universal service support funds were not received during that study period, HTCC is making progress with its Network Improvement Plan. Certain conditions have caused HTCC to alter its original implementation priorities including difficulties in finding properties that meet Radio Frequency (RF) requirements, finding willing sellers, and finding available opportunities to collocate on existing towers. By the end of June 2009 HTCC will have completed three new sites. Exhibit A includes a map depicting these three additional sites in relation to HTCC's current coverage area. In addition, site acquisition has been completed on six additional sites. Permitting has been completed on two sites and construction is underway on one additional site. HTCC has submitted to the Commission a confidential Network Improvement Plan. The plan reflects, in detail, progress made in year one of ETC designation. In addition, the Network Improvement Plan includes HTCC's revised plan for years two and three.

B. Detailed Information On Any Outage

HTCC did not have any outages, as defined in 47 C.F.R. § 4.5, of at least thirty minutes in duration for its designated service area during the study period of June 2008 through December 2008.

C. Number of Requests from Potential Customers That Were Unfulfilled

During the study period of June 2008 through December 2008, HTCC had twenty-two (22) unfilled requests. HTCC affirms its commitment to providing service throughout its designated service area and has pursued the following remedies to extend service throughout its designated service area to those customers reported as unfilled.

- HTCC offered to either modify, or replace, a customer's handset in an effort to improve service reception for that customer.
- HTCC has implemented a program to offer customers the option to deploy a roof-mounted antenna or other equipment in an effort to improve service coverage. Pursuant to 47 U.S.C. § 54.202(b)(2), HTCC offers this equipment at reasonable rates.

D. Number of Complaints or Trouble Reports Per 1000 Handsets

During the study period of June 2008 until December 2008, HTCC had the following number of complaints or trouble reports per 1000 handsets.

- June 2008: 4.3
- July 2008: 4.7
- August 2008: 8.4
- September 2008: 9.0
- October 2008: 5.8
- November 2008: 3.3
- December 2008: 2.8

The number of trouble reports per 1000 handsets is indicative of HTCC's commitment to providing reliable wireless service within its network coverage area.

E. Certification That It Is Complying With Applicable Service Quality Standards

HTCC certifies that it is in compliance with the CTIA Code and that it remains committed to the standards set forth in the CTIA Code.

F. Ability to Remain Functional in Emergency Situations

HTCC is committed to and remains able to function in emergency situations. HTCC's network has battery backup or permanent generators at all of its cell sites to ensure functionality without an external power source. HTCC can also deploy cellular on wheels (COWs) that can be driven to cell sites or locations affected by emergency conditions to assist with managing traffic spikes caused by such conditions. HTCC also utilizes AT&T's switches, which are equipped with emergency generators and have the capability of re-routing traffic in response to emergency conditions. Similarly, HTCC monitors its sites with sophisticated equipment capable of detecting disruptions caused by emergency situations allowing HTCC to respond quickly and effectively.

G. Certification of Local Usage Offering

HTCC committed to developing by September 15, 2008 a local usage plan that is identical to that offered by the incumbent Local Exchange Carriers (LECs) in HTCC's designated ETC service area. That commitment was met, and HTCC certifies that the plan is currently in place and available to customers. The plan is advertised on the company's website and is also described in brochures that are available in all HTCC branch offices.

H. Certification Regarding Equal Access to Long Distance Carriers

HTCC certifies its acknowledgment that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within HTCC's service area.

I. Number of Lifeline and Link Up Customers

During the study period of June 2008 through December 2008, HTCC served three (3) Lifeline customers and provided no Link Up adjustments. The three Lifeline customers were

already existing wireless customers, thus no additional charges applied. HTCC advertised the availability of Lifeline and Link Up services through letters to existing landline Lifeline and Link Up customers. A description of Lifeline and Link-Up programs was placed within the Horry Telephone Cooperative published telephone directory in the "General Information" pages. Advertisements were published within local news print including "The Sun News," "The Horry Independent," "Loris Scene," and a description of Lifeline and Link-Up programs was placed on website http://www.htcinc.net/customer_lifeline.cfm.

J. Copies of Responses to Lifeline Verification Surveys or Certification Filed with USAC

HTCC did not file for low income support for the period of 2008, but HTCC will be filing for low income support on a quarterly basis commencing in July 2009. Annual Lifeline Certification and Verification with the Universal Service Administrative Company will be filed by August 31, 2009.

III. CONCLUSION

HTCC respectfully requests that the Commission re-certify HTCC's designation as an ETC throughout its FCC licensed boundaries. As set forth above, HTCC satisfies all of the annual reporting requirements established by the FCC and this Commission as they pertain to ETC re-certification and designation. HTCC remains ready, willing, and able to meet the responsibilities inherent in ETC designation. As a result, HTCC asks that its designation be re-certified throughout its entire FCC licensed service area.

By: 

O'Neal Miller

E-Mail Address: Oneal.Miller@htcinc.net

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(843) 369-8316

Exhibit A

June 2009 Coverage Area
(Confidential)